

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

SPECIALISTS HOSPITAL -SHREVEPORT	CIVIL ACTION NO. 21-cv-1124
VERSUS	JUDGE ELIZABETH E. FOOTE
SYNERGY MEDICAL, INC	MAGISTRATE JUDGE HORNSBY

MEMORANDUM ORDER

Specialists Hospital Shreveport, LLC (“Plaintiff”) filed this civil action in state court for damages arising out of its purchase of surgical lamps that it claims were defective. Defendant Synergy Medical, Inc. removed the case based on an assertion of diversity jurisdiction, which puts the burden on it to set forth specific facts that show complete diversity of citizenship of the parties and an amount in controversy over \$75,000. The allegations with regard to Defendant’s citizenship are adequate, but in order to determine whether subject matter jurisdiction exists, more information is needed regarding the citizenship of Plaintiff and the amount in controversy.

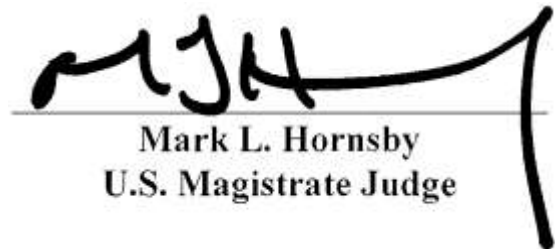
The notice of removal alleges that Plaintiff “is a limited liability company whose members are residents of and domiciled in the state of Louisiana.” “A party seeking to establish diversity jurisdiction must specifically allege the citizenship of every member of every LLC or partnership involved in a litigation.” Settlement Funding, L.L.C. v. Rapid Settlements, Ltd., 851 F.3d 530, 536 (5th Cir. 2017). If the members are themselves partnerships, LLCs, corporations or other form of entity, their citizenship must be alleged in accordance with the rules applicable to that entity, and the citizenship must be traced

through however many layers of members or partners there may be. Mullins v. TestAmerica Inc., 564 F.3d 386, 397-98 (5th Cir. 2009). Defendants must file an amended notice of removal that specifically identifies the members of Specialists Hospital and alleges their citizenship in accordance with these rules. Counsel for Plaintiff is directed to cooperate with counsel for defendants in providing this information.

The notice of removal states that Plaintiff is seeking rescission and return of the purchase price of the surgical lamps as well as interest, statutory attorney's fees, and costs. Neither the petition nor the notice of removal give any hint as to the cost of the lamps or the amount of damages sought by Plaintiff. In order to ensure that it has met its burden, Defendant should include in its amended notice of removal specific facts that indicate that the amount in controversy exceeds \$75,000. Helpful information would include the price of the lamps or any pre-suit settlement demands.

The amended notice of removal is due no later than **May 14, 2021**.

THUS DONE AND SIGNED in Shreveport, Louisiana, this 30th day of April, 2021.



Mark L. Hornsby
U.S. Magistrate Judge